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असाधारण

EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 12th January, 1977/Pausa 22, 1898 (Saka)

The following President's Acts are published for general information:—

THE TAMIL NADU DEBT RELIEF LAWS (AMENDMENT) ACT, 1977 No 3 OF 1977

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Tamil Nadu Debt Relief Laws.

41 of 1976. In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. This Act may be called the Tamil Nadu Debt Relief Laws (Amendment) Act, 1977.

2. In the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976,—

(a) in section 3, for the words “one year”, the words “one year and six months” shall be substituted;

(b) in section 4, in sub-section (1), for the words “one year”, the words “one year and six months” shall be substituted;

(c) in section 6, for the words “one year”, the words “one year and six months” shall be substituted.

Short title.

Amendment of President's Act 15 of 1976.

Amend-
ment of
Presi-
dent's
Act 10 of
1976.

3. In the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976,—

(a) in section 4, for the words "one year", the words "one year and six months" shall be substituted;

(b) in section 5, in sub-section (1), for the words "one year", the words "one year and six months" shall be substituted;

(c) in section 7, for the words "one year", the words "one year and six months" shall be substituted.

Amend-
ment of
Tamil
Nadu
Act
XXIII of
1943.

4. In the Tamil Nadu Pawnbrokers Act, 1943, in section 12-A, in sub-section (1), in clause (ii), for the figures, letters and words "15th day of January, 1977", the figures, letters and words "15th day of July, 1977" shall be substituted.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment

Liquidation of Rural Indebtedness is an important item of the Twenty Point Economic Programme. By the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976) and the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976), suits for the recovery of debts due from agriculturists and other indebted persons and applications for the execution of decrees for payment of money passed in any such suit have been barred, for a period of one year from the 15th day of January, 1976. A new section 12-A of the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943) was also substituted by the Tamil Nadu Indebted Agriculturists and Indebted Persons (Special Provisions) Act, 1976 (President's Act 17 of 1976), with a view to ban, up to the 15th day of January, 1977, the sale by the pawnbrokers of the pledges pawned with them.

2. As the drought conditions continue to prevail in many parts of the State, the agriculturists and other indebted persons are not in a position to repay all the loans taken by them. They will require some more time to rehabilitate themselves and better their economic conditions. It is considered that the moratorium on debts should be further extended for a period of at least six months. It is also considered that the ban on the sale by the pawnbrokers of pledges pawned with them should also be extended for a further period of six months.

3. This measure seeks to achieve the above objects.

4. The President issued a Proclamation on the 31st January 1976, under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Parliament has, under article 357 (1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Tamil Nadu to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976). This measure is accordingly being enacted without reference to the Consultative Committee.

I. J. NAIDU,

*Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation
(Department of Rural Development).*

THE TAMIL NADU CULTIVATING TENANTS
(PROTECTION FROM EVICTION) AMENDMENT
ACT, 1977

No. 4 OF 1977

Enacted by the President in the Twenty-seventh Year of
the Republic of India.

An Act to amend the Tamil Nadu Cultivating Tenants (Protection
from Eviction) Act, 1976

In exercise of the powers conferred by section 3 of the Tamil Nadu
State Legislature (Delegation of Powers) Act, 1976, the President is 41 of 1976.
pleased to enact as follows:—

Short
title.

1. This Act may be called the Tamil Nadu Cultivating Tenants (Pro-
tection from Eviction) Amendment Act, 1977

Amend-
ment of
section 1.

2. In sub-section (3) of section 1 of the Tamil Nadu Cultivating
Tenants (Protection from Eviction) Act, 1976 (hereinafter referred to as
the principal Act), for the figures, letters and words "15th day of January,
1977", the figures, letters and words "15th day of January, 1978" shall be
substituted.

Presi-
dent's
Act 36 of
1976.

3. In section 3 of the principal Act, the following *Explanation* shall be inserted at the end with effect from the 16th day of January, 1977, namely —

Amend-
ment of
section 3

Explanation.—For the purposes of this section and section 4, “rent” means rent accrued due for the fasli year ending with the 30th day of June, 1976 and for any previous fasli year.’.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy to the Govt. of India

Reasons for the enactment

By the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976), among other things, suits for the recovery of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th day of June, 1974 as well as for any previous fasli year and suits or applications for eviction of such tenants for non-payment of such rent have been barred for the period up to and inclusive of the 14th January, 1977. This was intended to allow tenants affected by successive droughts, to rehabilitate themselves before they are in a position to pay the arrears of rent without excessively straining their economy. For the same reasons, it was considered necessary that they should be given protection from eviction up to and inclusive of the 15th January, 1977 on the ground that they were in arrear with respect to the rent payable for subsequent fasli years and, if any cultivating tenant had already been evicted on the said ground, he should be given the right to restoration of possession of the lands from which he was evicted. Accordingly the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1976 (President's Act 36 of 1976) was enacted.

2 As there would be a spate of petitions before the courts for realisation of arrears immediately after the 15th day of January 1977 and it will not be possible for the cultivating tenants to pay all the past arrears it is considered that the protection given by the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1976 should be extended for another year, that is, up to and inclusive of the 15th January 1978 in respect of the arrears of rent accrued due for the fasli year ending on the 30th June 1976 and for any previous fasli year so that such arrears of rent should not be a ground for eviction. But the rent payable for the fasli year 1386, commencing on the 1st July 1976, could be collected by the landlord after the 15th January, 1977

3. The proposed measure seeks to achieve the above object

4 The President issued a Proclamation on the 31st January, 1976, under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Parliament has, under article 357(1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Tamil Nadu to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Tamil Nadu Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

K. S. NARANG,

*Secy. to the Govt of India,
Ministry of Agriculture and Irrigation
(Department of Agriculture)*